

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5680 of 1996

For Approval and Signature:

STATE OF GUJARAT

Versus

BHANUMATIBEN GIRDHARLAL KOTAK & OTHERS

Appearance:

MR SP HASURKAR for Petitioner
MRS KETTY A MEHTA for Respondent No. 1
MR MIHIR H JOSHI for Respondent No. 8
MR SURESH M SHAH for Respondent No. 9
RULE SERVED for Respondent No. 12
MR SJ DAVE AGP for Respondent No. 13

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 13/08/1999

ORAL JUDGEMENT

1. The petitioner - State of Gujarat in the present petition under article 227 of the Constitution of India challenges the order of the Urban Land Tribunal passed in an appeal under section 33 of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. It merely requires to be noted from the record of the present petition that not only do the respondents appear to be in actual and physical possession of the land in question, but by way of interim relief granted in the present petition, it was directed that the respondents shall not part with the possession of the land in question till further orders. It therefore appears that the respondents are in actual and physical possession of the land in question even today. However, these are observations based on the record of the present petition and are not to be regarded as findings of fact recorded on any factual controversy between the parties.

(Y.B. BHATT, J.)

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